

## **REMARKS**

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 13, 15, 27, 29-30, and 32-33 have been amended. Claim 31 has been cancelled. Claims 7-18 are pending and under consideration.

## **CLAIM OBJECTIONS**

Claim 31 is objected to due to an informality. Claim 31 has been cancelled. Accordingly, withdrawal of this objection is respectfully requested.

### **REJECTION OF CLAIM 31 UNDER 35 U.S.C. § 102**

Claim 31 is rejected under 35 U.S.C. § 102(b) as anticipated by Sicola, U.S. Patent No. 6,279,078).

Claim 31 has been cancelled. Accordingly, withdrawal of this § 102(b) rejection is respectfully requested.

### **REJECTION OF CLAIMS 32-33 UNDER 35 U.S.C. § 102**

Claims 32-33 is rejected under 35 U.S.C. § 102(e) as anticipated by Avraham, U.S. Patent Pub. No. 2004/0103238. Avraham para. [0054], cited by the Examiner in the outstanding Office Action describes that data is written to nonvolatile memory when the cache is determined to be full or when there is a power interruption (see para. [0054]; FIG. 3). The cache periodically may become full because system data is being cached onto the cache. That is, when the cache is determined to be full, all mirroring of data from nonvolatile memory to volatile cache memory halts while the appliance moves all of the current volatile memory cache contents onto the nonvolatile memory. Once the cache has been copied over and cleared, then system data caching is then resumed.

In contrast, neither claim 32 nor claim 33 are not directed towards a method that copies over the entire contents of the master area of a first memory module to a mirror area of a second memory module when it is determined that the master area of a first memory module is insufficient for a data input request. Instead, when the master area of a first memory module is determined to be insufficient for data associated with a data input request, the data is instead stored in a mirror area of a second memory module.

Thus Applicants respectfully submit that Avraham does not teach or suggest the recited features of claims 32 and 33.

A withdrawal of these § 102(e) rejections and favorable reconsideration of claims 32-33 are respectfully requested.

**REJECTION OF CLAIMS 1-4, 9-13,15-18, 23-27 and 29-30 UNDER 35 U.S.C. § 103**

Independent claims 1, 13, 15, 27, 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weber, U.S. Patent No. 5,937,174 in view of Hauck, U.S. Patent Pub. No. 2003/0158999, in further view of Avraham.

The Examiner concedes that Weber and Hauck do not teach "a master area of said one second module is written to until the master area of said one second module is full, at which time a mirror area of said other second module is written to," as recited in each of amended claims 1, 13, 15, 27, 29-30. As discussed above, Avraham fails to make up for these deficiencies in Weber and Hauck, such that claims 1, 13, 15, 27, 29-30 each patentably distinguish over the cited combination of references.

A withdrawal of these § 103(a) rejections and favorable reconsideration of claims 32-33 are respectfully requested.

Claims 2-4, 9-12, 16-18, and 23-26 were rejected under 35 U.S.C. § 103(a) as being obvious over the combined teachings of Weber, Hauck, Avraham and in further view of U.S. Patent Application Publication No. US 2002/0016898 by Hashimoto et al.

Claims 2-4 and 9-12 depend either directly or indirectly from claim 1 and include all the features of that claim plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that claims 2-4 and 9-12 patentably distinguish over the prior art.

Claims 16-18 and 23-26 depend either directly or indirectly from claim 15 and include all the features of that claim plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that claims 16-18 and 23-26 patentably distinguish over the prior art.

**SUMMARY**

It is submitted that the claims continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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Aaron C. Walker  
Registration No. 59,921

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1500